

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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BARBARA ANN THURMAN BLEVINS,)

Plaintiff,)

v.)

PROGRESSIVE INSURANCE)

COMPANY,)

Defendant.)

) CIVIL ACTION NO.:)

1:06cv398-T

NOTICE OF REMOVAL

Comes now the defendant, Progressive Specialty Insurance Company (“Progressive”), and files this Notice of Removal of this case from the Circuit Court of Houston County, Alabama, in which it is now pending to the United States District Court for the Northern District of Alabama, Southern Division, and shows unto the Court the following:

I.

This case was commenced in the Circuit Court of Houston County, Alabama, on March 21, 2006, and is now pending in that court.

II.

This case is a civil action for damages arising out of an UIM claim and a bad faith claim arising out of the plaintiff’s February 6, 2005 accident in Dothan, Alabama.

III.

The action is one of a civil nature over which the District Courts of the United States have original jurisdiction because of diversity of citizenship and the amount in controversy.

IV.

The matter in dispute exceeds the sum of \$75,000, exclusive of interest and costs, as will more fully appear by the plaintiff's complaint which is attached as Exhibit "A". The plaintiff is seeking \$20,000 for UIM benefits and \$520,000 for bad faith.

V.

The plaintiff, Barbara Ann Thurman Blevins, was at the time of the commencement of this action and now is, a resident citizen of the state of Alabama.

VI.

The defendant Progressive is a corporation incorporated and organized in the state of Ohio, having its principal place of business in the state of Ohio.

VII.

The petition is timely filed with this Court pursuant to 28 U.S.C. §1446(b). This notice is being filed within 30 days after the date that Progressive was served with the complaint. Progressive was served April 11, 2006.

VIII.

A copy of this Notice of Removal will be filed with the clerk of the Circuit Court of Houston County, Alabama in accordance with 28 U.S.C. § 1446(d).

Progressive requests that this Court will take jurisdiction of this case and will issue all necessary orders and process in order to remove the case from the Circuit Court of Houston County, Alabama, to the United States District Court for the Middle Division of the Southern District of Alabama.

R. Larry Bradford

R. Larry Bradford, Attorney for
Defendant, Progressive Specialty
Insurance Company
Attorney Bar Code: BRA039

OF COUNSEL:

Bradford & Sears, P.C.
2020 Canyon Road, Suite 100
Birmingham, AL 35216
(205) 871-7733

CERTIFICATE OF SERVICE

I hereby certify that I have this the 28th day of April, 2006, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

W. Terry Bullard, Esq.
P.O. Box 398
Dothan, Alabama 36302

W. Terry Bullard

OF COUNSEL